

Patent

2872

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David M. Pepper

) Re: Information Disclosure
Statement.

Serial No.: 09/848,563

) Group: 2872

Filed: May 3, 2001

) Examiner: not yet assigned

"DYNAMIC OPTICAL INTERCONNECT

) Our Ref: B-3896 617785-5

USING CLOSED-LOOP ADAPTIVE..."

) Date: April 23, 2003

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

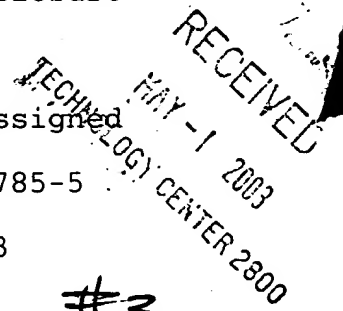
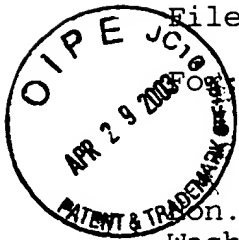
In accordance with the Applicant's duty to disclose information which may be material to the examination of this application, the undersigned respectfully requests that the Examiner consider on the merits the documents listed on the enclosed Form PTO-1449 (modified) before issuing the first Office Action on the merits. We are enclosing herewith a copy of each document listed on the enclosed Form PTO-1449 (modified).

The documents listed on the enclosed Form PTO-1449 (modified) include those cited in the International Search Report for the corresponding PCT Patent Application No. PCT/US02/13843. A copy of the Search Report (3 pages) is enclosed herewith.

The undersigned certifies that each item of information contained in the first IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

The filing of this Information Disclosure Statement (IDS) shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The Applicants believe that this IDS is being submitted before the issuance of a first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance. Therefore, no official fees should be due; and this IDS should be considered

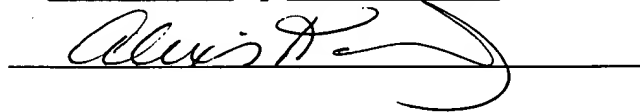


on the merits. If this IDS is being submitted after the issuance of the first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance, please contact the undersigned to authorize a payment of \$180.00 (or any other required amount), which is the fee set forth in 37 C.F.R. § 1.97(c), if the Examiner believes that such a fee is due in order for this IDS to be considered on the merits.

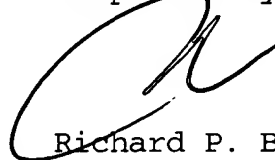
The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

The person making this statement is the practitioner who signs below on the basis of information supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)) and on the basis of information in the practitioner's file.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the "Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231", on April 23, 2003 by Alexis Karriker.



Respectfully submitted,



Richard P. Berg
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Enclosures: Form PTO-1449 (modified) (1 page)
Copy of Search Report for PCT/US02/13843 (3 pages)
Copy of documents listed on Form PTO-1449 (modified)